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SUBJECT: LAW ENFORCEMENT COOPERATION: JOINT LIAISON GROUP  
REPATRIATION WORKING GROUP CONSULTATIONS

Classified By: Political Minister Counselor Aubrey Carlson for reasons  
1.4 (B/D).

#### Summary

1. (SBU) U.S. members of the Repatriation Working Group of the U.S.-China Joint Liaison Group (JLG) for Law Enforcement Cooperation recently held informal consultations with their counterparts from China's Ministry of Foreign Affairs (MFA) and Ministry of Public Security (MPS) on repatriating Chinese nationals illegally in the United States. From January 2007 to July 2008, the number of repatriations increased 51 percent. Problems still exist, especially in quickly confirming the identity of Chinese nationals. The Chinese side agreed to discuss this issue in further detail at the JLG plenary in Washington October 27-28 and revealed that Chinese authorities plan to deploy facial recognition technology to address the issue. The Working Group also discussed establishing a joint task force to quickly deal with removals. End Summary.

#### Meeting with Ministry of Foreign Affairs

2. (SBU) Members of the JLG Repatriation Working Group, led by James "Steve" Thomas, Department of Homeland Security Immigration and Customs Enforcement (DHS/ICE) Attache, and MFA Consular Department Division of European, American and Oceanian Affairs Director Jiang Wei, met September 23 to discuss the status of removals of illegal Chinese nationals from the United States.

#### A 51-Percent Success Rate

3. (SBU) Thomas noted that, according to DHS Detention and Removal Operations (DRO) records, the USG has made 1,239 requests for travel documents for illegal immigrants to the Chinese authorities since January 2007. As of July 21, 2008, China has issued 627 travel documents with an average processing time of 159 days, representing a 51-percent success rate. The overall number of removals of Chinese nationals increased from 490 in 2007 to 553 in 2008. Although this is far from the DHS objective of 2,000 removals per year, both sides agreed that progress has been made.

#### Results of the Study Group

4. (SBU) Thomas and Jiang discussed obstacles in the removal procedure highlighted through careful study of a select group of 200 deportation cases identified by the Repatriation Working Group at the JLG in June 2007. Out of those cases, 33 percent have resulted in removals, 39.5 percent are

pending due to lack of documentation of difficulties verifying identity, 15 percent have become fugitives, 10.5 percent are appealing their final order status, and the rest are either duplicate cases or from Hong Kong SAR and therefore out of jurisdiction.

#### Obstacles Remain

15. (SBU) From this study it was jointly determined that problems still exist in three areas: a) a single document format should be used by China's Consulates in the United States, b) the USG requirement that detainees be released after 180 days complicates removal proceedings, and c) China should provide feedback to the United States suggesting more effective methods for confirming the identity of illegal Chinese nationals.

#### Possible Solutions

16. (SBU) Turning to problems authorities have confirming the identity of Chinese nationals, participants discussed whether using the Chinese identification database "ID5" or verifying citizenship at China's Consulates in the United States might be solutions. Another suggestion was to create a joint repatriation task force that would deal with removals on a "real-time" basis and react quickly to complex cases.

#### Difficulties for China

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17. (SBU) Director Jiang identified several U.S. practices that the Chinese believe make it difficult to confirm the identity of Chinese nationals. She suggested that U.S. regulations requiring the release of detainees after 180 days absent evidence and the ease with which detainees can engage legal representation to contest a deportation order make it difficult to make a swift identification.

18. (SBU) Jiang said many illegal aliens apply for political asylum with the help of American lawyers, thereby further complicating and hampering cooperation, because the United States "usually grants political asylum to these applicants."

19. (C) Jiang acknowledged that Chinese citizenship laws requiring the identification of an individual's "hukou," or place of household registration, also handicaps quick identification. She noted that the laws are "in accordance with China's situation" and are therefore not easily amended.

#### To Be Discussed at the JLG

110. (SBU) The two sides agreed that cooperation to quickly identify detainees is a complex problem and that further discussion is necessary at the October 27-28 JLG in Washington. It was also agreed that a copy of the standardized removal documentation to be used by Chinese Consulates in the United States will be submitted at the JLG.

#### Meeting with Ministry of Public Security

111. (SBU) On September 26, DHS/ICE Attache and Alice Wu, DHS/ICE Deportation Liaison Officer, met with Ministry of Public Affairs Entry-Exit Administration Bureau Deputy Division Director Peng Ling to discuss repatriation issues.

112. (SBU) Peng said that China is in the process of deploying high-tech facial recognition technology to improve procedures for identifying Chinese nationals and issuing travel documents. She added that this new technology will be presented at the JLG.

¶13. (SBU) Both sides emphasized again the need for continual training in order to maintain and improve bilateral cooperation on the repatriation issue. Peng requested that the United States provide training to China on its removal process. DHS/ICE responded positively and asked for training on China's citizen identification process in return, also mentioning the idea of establishing a joint task force to deal with removal cases in "real time."

#### Repatriation of Third-Country Nationals

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¶14. (C) Eventually hoping not only to increase the number of Chinese nationals repatriated but also to increase the overall number of repatriation cases worldwide, Thomas asked Peng whether China would be willing to cooperate on the repatriation of third-country nationals (e.g., from Iran) and suggested both countries use an official notification procedure to identify repatriated nationals, from China or elsewhere, arriving in China from the United States. Peng agreed to consider the proposal and report back.

#### ¶15. (U) Participants:

##### UNITED STATES

James "Steve" Thomas, Attache, Department of Homeland Security, Immigration and Customs Enforcement, U.S. Embassy  
Alice Wu, Deportation Liaison Officer, Department of Homeland Security, U.S. Embassy  
Fong Tchan, ICE Representative, Department of Homeland Security, U.S. Embassy  
Samuel S. Kwok, ICE Representative, Department of Homeland Security, U.S. Embassy  
Brooke Spelman, Political Officer, U.S. Embassy

##### CHINA

Jiang Wei, Director, Division of European, American and Oceanian Affairs, Consular Department, Ministry of Foreign Affairs  
Zhu Di, Third Secretary, Consular Department, Ministry of Foreign Affairs  
Peng Ling, Deputy Division Director, Entry-Exit Administration Bureau, Ministry of Public Security

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